

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

REVEREND WESLEY CARROLL III,	)	
Petitioner,	)	
	)	
vs.	)	2:07cv1660
	)	Electronic Filing
COURT OF COMMON PLEAS OF	)	
ALLEGHENY COUNTY,	)	Judge Cercone
PENNSYLVANIA, et al.,	)	Magistrate Judge Mitchell
Respondents.	)	

**MEMORANDUM ORDER**

AND NOW, this 7<sup>th</sup> day of January, 2008, after the petitioner, Reverend Wesley Carroll III, filed a petition for a writ of habeas corpus, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties thirteen days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the petition and the record and upon consideration of the Magistrate Judge's Report and Recommendation (Docket No. 7), which is adopted as the opinion of this Court,

IT IS ORDERED that the petition for a writ of habeas corpus filed by petitioner (Docket No. 1) is dismissed and a certificate of appealability is denied for failure to exhaust state court remedies.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure if the petitioner desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.



---

David Stewart Cercone  
United States District Judge

cc: Wesley Carroll, III  
GE- 8666  
SCI Waymart  
Post Office Box 256  
Waymart, PA 18472